

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

PRETRIAL ORDER NO. 25:
Scheduling Order for the Bellwethers
Second

This Document Relates To:
All Actions

The Court ORDERS this schedule for the Bellwethers Second:

1. Case-specific fact discovery opens on April 4, 2018.

a. The Bellwethers Second are these cases:

Joint Nominees

17-cv-511 (*Nancy Axline v. 3M Co.*)

17-cv-1696 (*Laura Hives v. 3M Co.*)

Plaintiffs' Nominees

16-cv-2144 (*Pearlie Partlow v. 3M Co.*)

16-cv-4159 (*Ada Trombley v. 3M Co.*)

17-cv-459 (*Terry Arnold v. 3M Co.*)

Defendants' Nominees

17-cv-1078 (*Julio Ramirez v. 3M Co.*)

17-cv-3056 (*Ruth Goodpaster v. 3M Co.*)

17-cv-3068 (*David Henderson v. 3M Co.*)

b. For Joint Nominees, case-specific fact discovery closes on July 16, 2018.

c. For Plaintiffs' and Defendants' Nominees, case-specific fact discovery closes on August 16, 2018. As to these Nominees, depositions may not be taken unless the parties agree or the Court grants leave to do so.

d. For treater depositions, each side may use half of the total time set aside for

a deposition. Neither party may use the other's unused time.

2. By April 13, 2018, the parties must tell the Court the sequence of their nominated cases. Defendants will select cases 3, 6 and 7; Plaintiffs will select cases 4, 5 and 8.
3. For case-specific issues in the Bellwethers Second, the parties must make initial disclosures under Rule 26(a)(1) by April 17, 2018.
4. For expert testimony about specific causation in the Joint Nominees,
 - a. Initial expert reports and disclosures of the identity of expert witnesses under Rule 26(a)(2) must be exchanged on July 25, 2018.
 - b. Rebuttal expert reports and disclosures of the identity of rebuttal expert witnesses must be exchanged by August 17, 2018.
 - c. Depositions of expert witnesses must be completed by September 17, 2018.
 - d. If an expert witness has testified about general causation, a party deposing that expert witness may not explore general causation unless as incidental to a specific-causation inquiry.
5. For the Joint Nominees, case-specific dispositive motions must be filed by September 24, 2018.
6. A Joint Nominee must be trial-ready on December 3, 2018. By April 17, 2018, the parties must propose a deadline for proposing:
 - a. Which Joint Nominee will be trial-ready on December 3, and
 - b. When the other Joint Nominee will be trial-ready.

IT IS SO ORDERED.

Dated: April 4, 2018

s/ Joan N. Ericksen

JOAN N. ERICKSEN
United States District Judge
District of Minnesota